

32.

THE
C A S E
O F

Capt. George Frye,

PRESIDENT of the COUNCIL in the
Island of Montserrat.

CONTAINING

An impartial NARRATIVE of his Behaviour in
that Station.

TOGETHER WITH

An ACCOUNT of the several Steps taken to procure his
Suspension.

AND ALSO

COPIES of the IMPEACHMENT preferred against him, by
the Assembly of Montserrat, to Governor THOMAS, and the
Council of the Island.

Captain *FRYE*'s ANSWER thereto;

AND THE

ASSEMBLY's REPLICATION.

To which are added,

An ACCOUNT of the Proofs given in Support of the said
IMPEACHMENT, and the other PROCEEDINGS had
thereupon.

*Jussum et tenacem, propositi virum,
Non civium ardor pressa jubentium;
Non vultus instantis tyranni,
Mente quatit solidam.*

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THE
C A S E
OF
GEORGE FRYE, Esq;

GEORGE FRYE, Esq; a native of *Montserrat*, enjoyed a small estate in that island by inheritance from his father, who was President of the council there for many years.

But a war breaking out against *Spain*, he quitted that and his family to serve as a volunteer in the expedition against *Cartagena*; where he carried a musquet, and so greatly recommended himself to General *Wentworth*, the commander in chief, by his behaviour upon that occasion, that he promoted him to a lieutenancy, and afterwards to the first lieutenancy of a company in General *Wolfe*'s marines, in which service he expended at least 1000*l.* more than his pay.

After that expedition was over, he was ordered on board a man of war, in the squadron then commanded by Sir *Chaloner Ogle*, who, upon some disgust, invented a groundless complaint against him; and thereupon brought him to a trial (after having made him suffer 15

months imprisonment) by a sea court-martial, who, by the Admiral's procurement, pronounced a sentence against him; the cruelty of which has never been parallell'd; in consequence whereof he was sent home a prisoner to *England*, there to suffer 15 years imprisonment.

But the injustice of that sentence manifestly appearing, upon an examination into the whole affair before the privy-council, his Majesty, by an order of that board, dated the 7th of November, 1744, was graciously pleased to remit the sentence of the court-martial, and order Mr. *Frye* to be forthwith discharged from his confinement, and restored to his Majesty's service.

Mr. *Frye*, not being able to obtain the least reparation from the person who had thus cruelly injured him by any other means, determined to seek it in our courts of justice, where he recovered damages for the same by the verdict of a jury *.

When a scheme was set on foot in *England* for making another attempt to discover a north-

* This cause was tried before Lord Chief Justice *Willes*, who, upon summing up the evidence, declared it as his opinion, that Captain *Frye* was intitled to much larger damages; but said, that as he was intitled to recover heavy damages against every one of the six other members, who (with Sir *Chaloner*) composed the court-martial which condemned him, it would not be right to make him an adequate recompence for his sufferings at the expence of Sir *Chalmer* alone; which was the only reason that the jury gave no more than 1000*l.* (large as that sum may appear) instead of a much greater compensation.

west passage (after Captain Middleton's had miscarried) *Arthur Dobbs*, Esq; now governor of *North Carolina*, applied to Mr. *Frye* to take upon himself the conduct of it; and upon his consenting thereto, petitioned his Majesty to give him an independent company for that service, and a commission to command as governor of all the countries which should be discovered in the search: This petition was granted by his Majesty, and a notification thereof was sent to the secretary of state; an order was also dispatched to the admiralty for making a draught from the marines to fill his independent company; but as he had been greatly injured, it was natural for those who had done him wrong, to dread the consequences of his resentment; nor is there any thing more natural than hatred of the man we fear; it is not therefore wonderful that Mr. *Frye* had enemies; these enemies had power and influence, both of which were exerted upon this occasion to frustrate his Majesty's intentions,—and they succeeded.

An expedition being afterwards intended against *Canada*, General *St. Clair*, who was to have commanded therein, intended Mr. *Frye* for one of his *Aids-de-Camp*; but that expedition was laid aside.

Whilst the late rebellion was on foot, Mr. *Frye* was chosen, on account of his known loyalty and military abilities, to command a company composed of one hundred voluntiers of the most wealthy, loyal, and considerable citizens of *London*, who armed for the defence of their king and country. These (amongst

whom were Sir *Joseph Hankey*, Mr. *Honywood*, and many others of distinguished eminence) he mustered and disciplined; and they, in return, gave him the most public testimonies of their approbation and regard.

After this Mr. *Frye* was so far employed in his Majesty's service, as to be appointed to the post, and to do the duty of a captain of a company in the regiment stationed in the *Leeward Islands*, instead of an officer who was superannuated; but without any pay or profit for the same, the former officer being to enjoy full pay for life: so that this appointment gave him rank, and consequently created an expence, but was no pecuniary advantage to him, he being to serve without pay till a vacancy happened by the death or removal of an officer.

His Majesty was also pleased to appoint Captain *Frye* to be one of the members of his council in *Montserrat*, and in July 1750, the Lords of trade and plantations were pleased to signify to *Gilbert Fleming*, Esq; then commander in chief of the *Leeward Caribbee Islands* in the absence of General *Mathews*, that as it appeared that his Majesty's mandates granted to him to sit in council in that island was of a prior date to any of the mandates granted to the other members of the council there, it was his Majesty's pleasure that he should take precedence of all the other members, though some of them had been sworn in before him; which direction was accordingly complied with by Mr. *Bouveron*, who was at that time President, and (as such) commander of the island in the absence of his superiors (that is to say, the governor

vernor and lieutenant-governor in chief of all the *Leeward Caribbee Islands*, and the lieutenant-governor of *Montserrat*) he immediately resigning his command to Capt. *Frye* with great politeness and good humour, and withdrawing himself from the council.

This gentleman is a person of upright intentions, and great hospitality.

The next member in precedence after him (*George Wyke*, Esq;) whose actions best speak his character, pretended to be dissatisfied, and entered a minute in the * blotter of the council, declaring his resolution never more to take his place at that board under Capt. *Frye*.

John Bramley, Esq; brother-in-law to Mr. *Wyke*, (another member of the council) followed the example of his brother-in-law, as he has frequently done in other very extraordinary circumstances.

The members then remaining were not sufficient, in point of number, to compose a council, there being (after the desertion of the above three gentlemen) only Capt. *Frye*, *Nicholas Daniel*, *Edward Daniel*, and *William Irish*, qualified to sit in council; no board whereof can transact any business without the presence of five members.

Hereupon Capt. *Frye*, the president, transmitted an account of these proceedings to lieutenant-governor *Fleming*, and desired him to fill up the vacancies in the council, that they might be thereby enabled to transact public affairs.

* A book in which all minutes and rough draughts of orders are first written.

In answer to this remonstrance, lieutenant-governor *Fleming* wrote to the president that he would leave the choice of proper persons to fill up those vacancies intirely to him; but the president not choosing to give offence in the island, by any appearance of partiality in favour of particular persons, instead of filling up the vacancies himself, as, thus authorized, he might have done, returned a list of five gentlemen to the lieutenant-governor, as fit and proper persons to sit in the council, and requested him to nominate three from amongst them for that purpose.

The gentlemen contained in this list were *Benjamin Walker*, merchant, *James Shaw*, surgeon, *William Musgrave*, Esq; *Edward Luther*, Esq; and *William Chambers*, barrister at law; all of whom were men of credit and distinction in the island, and bore unblemished characters.

The lieutenant-governor, upon receipt of this list, sent orders to the president to swear in Mr. *Walker* as one of the council immediately; and as he was not acquainted personally with any of the islanders, he desired the president to join with him any two of the remaining four persons in the list at his own discretion.

The president hereupon swore in Mr. *Walker*, and by his admission into the council, there being five members upon the island qualified to sit, a board was immediately held, when Mr. *Irish* (one of the members) requested that Mr. *George Wyke* might be re-admitted to his seat at the board.

In

In this request he was seconded by all the other members, and Mr. *Wyke* himself had also before privately requested the same thing of the president.

Upon which the president reflecting, that though a minute of Mr. *Wyke*'s resignation had been entered in the blotter, yet (as that had never been transcribed into the council book, and was consequently only to be considered as a draught, and not as an act of the council) they had an undoubted right to rescind that minute, being besides desirous of obliging the members of the council in general, and Mr. *Irish* in particular, for whom the president had a peculiar esteem, on account of his excellent character, and the generous care he took of several indigent relations, did re-admit Mr. *Wyke* to the council-board.

By this means six of the seven seats of the council-board (for there are never more than seven members of the council at *Montferrat*, unless by his Majesty's mandamus) were filled up.

There then remained only one vacancy, for the filling up of which the president took the advice of the council: he, in his own private opinion, indeed, preferred Mr. *James Shaw* to the other persons put in nomination, and accordingly recommended him to the other members of the council; at the same time acquainting them, that their inclinations should govern his choice; and accordingly *William Musgrave*, Esq; being approved of by the majority of the members present, was immediately sworn in.

Of

Of all these proceedings the lieutenant-general having received information, fully approved.

As the king's mandamus for the admission of persons into the council-chamber supercedes all appointments from the governor-general of the *Caribbee Islands*, or his deputy, in such manner, that if six members sit by mandamus, only one of the governor's appointment ought to sit with them (to make up the number seven;) and if seven or more sit by mandamus, no other person ought to sit with them; it is requisite for all the members of the council, who sit by the government's appointment, to apply for his Majesty's mandamus in *England* to confirm them in their seats.

Upon this principle Messrs. *Walker* and *Musgrove* applied for, and obtained mandamuses in *England*.

The president also having a personal regard for Messrs. *Shaw*, *Luther* and *Chambers*, by his particular recommendation of them to the lieutenant-general, and an application to his friends in *London*, procured mandamus's for them to sit in the council also; and by his interposition Mr. *Shaw*'s mandamus was signed precedent to the signature of Mr. *Musgrove*'s.

There are in the island of *Montserrat* about * 400 white families, of which not above 140 families are Protestants; the rest of the whites are all Roman Catholicks; the latter of whom being excluded from the possession of all places of trust or profit, and in general from all share

* The exact number of families is not ascertained, but by a poll taken in the year 1752, the number of white persons able to bear arms appeared to be 420.

in the government of the island, have applied themselves much more closely to planting and trade than the Protestants, and thereby many of them have out-stripped these last, and have in general better credit than they.

Thus the exclusive share in the government of the island possessed by the Protestants on the one hand, and the advantages in trade acquired by the superior industry of the Romanists joined to their numbers on the other, have fomented mutual jealousies between the inhabitants professing the two religions, which have long subsisted, and frequently broke out even to the commission of publick outrages.

One remarkable instance of this mutual animosity happened about the year 1743, when one *James Farrell*, and his sister, children of a *Roman Catholick* family in the island, were detected in the commission of the horrid crime of incest: The unhappy parents, willing to conceal the shame of their family, intended to have shut up their daughter in a monastery, and sent the son also out of the island into some foreign service; but several of the Protestant families, and even a majority of the council, hearing of the affair, prevailed on the son and daughter to turn Protestants, under a notion that as such the son might lawfully dispossess his own father of his inheritance; and under colour of this scandalous conversion, they not only maintained the son and daughter, and encouraged and received them into their houses, in spite of their parents, but also by their commendations of the son to General *Mathews* (who was imposed upon as to the causes of his

changing his religion) procured for him the command of the regiment of militia of the island: nay, so far were these proceedings carried, that when the chief justice of the island granted a warrant for the apprehension of the daughter (a girl under age) in order to deliver her up to her parents, from whom she was withheld; the marshal, to whom it was granted, refused to execute it; threats were publickly given out, that any attempt to put it in execution should be opposed by force; and the chief justice himself, for granting it, was personally threatened and insulted in the streets, and forced to fly to his own house for shelter: And what more fully exposes the folly as well as wickedness of this transaction, is, that the unhappy son died a very few years afterwards; and upon his death-bed abjured that Protestantism which he had from the most unworthy motives before espoused, and reconciled himself to the Romish faith, in the profession of which he died.

The President seeing the height to which these quarrels were often carried, and being convinced of their evil tendency, endeavoured, by every means he could devise, to reconcile these religious disputes, and promote a general harmony and good correspondence amongst the inhabitants; for which purpose it was that in his recommendation of the several gentlemen above-mentioned to be appointed members of the council, he had a particular regard to their moderation, and the inclination they in general had to promote peace and good neighbourhood in the island. For the same purpose also he endeavoured to act with the strictest impartiality

impartiality towards people of all denominations, and conversed indiscriminately with every one whose character did not make it dishonourable so to do, without concerning himself about their particular differences in opinion.

This conduct had in some measure its desired effect ; fewer differences happened between the inhabitants of different professions, and those which did occur were not carried to such violent heights as formerly.

But though the Protestants by these means, as well as by the care taken to restrain them from the commission of any violences against the Romanists, were brought to a better temper towards their neighbours, this conduct of the President's did not fail to unite against himself all that resentment which had heretofore been let loose upon a numerous body of the inhabitants, whom they had been accustomed to treat as enemies, and could not bear to see the President protect their civil rights as *Englishmen*.

This enmity of theirs occasioned frequent applications to the President from several of the principal Protestant inhabitants, to deprive the Papists of the free exercise of their religion, and to prohibit their sending their children to Popish schoolmasters ; but as the Romanists composed a great majority of the people of the island, and had always enjoyed the free exercise of their religion from its first settlement, and as there were no Protestant schoolmasters in the place, the President thought it his duty to disregard both these requests as extremely unreasonable and oppressive.

The President was the more unwilling to provoke the Papists of *Montferrat* by ill-usage, as they have in general been good as well as useful subjects ever since the revolution, advice whereof arriving at the island, one *Garret Miffett*, a leading man amongst them, made this sensible reflection upon it, "That whoever was King at *Whitehall*, would be King at *Montferrat*." A truth so obvious, and which has made so deep an impression upon their minds, that they have ever since been governed by it; and particularly in 1712, when they signalized themselves in the defence of the country against Mons. *Gafart*, who invaded it with 3000 regular forces, and whom they had a principal share in repelling.

However, the President's non-compliance with this persecuting humour, drew upon him a suspicion that he was a favourer of the Papists; a circumstance than which nothing could have rendered him more odious to the other inhabitants, who from thenceforth began to find fault with him upon all occasions, insomuch that every triflē was made a subject of complaint; And the first instance of misbehaviour which they could find to charge him with was this: The President, in the year 1750, having threatened to punish a fellow for his indecency, who, under pretence of asking leave to fish in his private pond, came up to him stark naked when he was riding with his wife; the fellow had the insolence to come afterwards to his own house, where he told the President, that the pond in which he had asked leave to fish was not his own but a publick pond, and that he

he (the fellow) would fish in it in spite of him ; upon which the President bid him be gone, and not provoke him to punish him as he deserved : But instead of this the fellow advanced up to him with an air of defiance, and repeated his resolution to fish in the pond when he pleased : The President thereupon ordered his overseer (a white man) to correct the fellow for his misbehaviour with his whip, which he accordingly did ; but after four or five strokes the fellow ran for it ; and so ended this famous affair, which, three years afterwards, was set forth in a formal complaint to the governor-general of the *Caribbee Islands* as a most unheard-of piece of tyrannous cruelty.

The next complaint was of a more serious nature.

In all the *Leeward Islands* a regulation prevails to prevent persons from getting into debt, and then defrauding their creditors by quitting the country ; which is, that no one shall be permitted to embark for any other part of the world without previously giving fourteen days notice of their intention in the secretary's office : and to make this regulation more effectual, the masters of all vessels which arrive in the islands are obliged to give security, to take no persons on board without a ticket or certificate of their having given such a regular notice ; however, this, like many other institutions of an old date, has been lately much neglected, and indeed is but seldom attended to, except where those who apply for a passage from these islands are generally reputed to be in bad or doubtful circumstances.

It happened that Capt. *Samuel Woodward*, owner of a shallop which traded among the *Leeward Islands*, had given 2000*l.* security in the secretary's office at *St. Kitts* for his observance of the above law; he did not navigate this vessel himself, but employed a master, who unluckily took one *Rookesby* aboard at *St. Kitts* without regarding the regulation, and brought him to *Montserrat* where Capt. *Woodward* was settled.

This *Rookesby* was a fugitive for debt, and a fellow of most infamous character; and it was evident, that unless he could be brought back to *St. Kitts* before his creditors could proceed at law against Capt. *Woodward*'s securities, they would be subjected to the payment of all his debts; they therefore sent word to Capt. *Woodward* of *Rookesby*'s flight aboard his vessel the moment they heard of it; and this intelligence reached *Montserrat* on a *Sunday*, and very shortly after *Rookesby*'s arrival there.

Upon this occasion Capt. *Woodward* applied to the President for his assistance to send *Rookesby* back again; but, though the President was well inclined to do every thing in his power towards assisting Capt. *Woodward* in an affair so manifestly just, he had no authority to seize upon and send any person out of the island without his own consent; however, he devised an expedient, which was carried into execution in the following manner: He granted a warrant for the apprehension of *Rookesby* as a loose and disorderly person; this warrant was executed the same evening, and *Rookesby* was brought before the President, who was then

then at a tavern near the beach, and immediately discharged him for want of proof of his profligate life, and then quitted the room: no sooner was his back turned, than two or three stout fellows, employed by Capt. *Woodward*, seized on *Rookesby*, hurried him on board a vessel, and carried him safe back to *St. Kitts*.

The whole of this transaction was indisputably advised by the President, though he himself did nothing more in it than the granting the warrant, and discharging the fellow when brought before him; all the rest was done by Capt. *Woodward*, without any assistance or warrant from him: It must be confessed indeed that he knew *Woodward's* intentions, and that the share he took in the matter was purposely to further the success of them.— Whether in this affair he acted legally or not must be left to others to determine, but that his intentions were praise-worthy, and the action equitable, can admit of no dispute; as thereby Capt. *Woodward* and his securities (who were drawn into a snare by the negligence of the master of his vessel) escaped forfeiting the penalty of their bond, and no injustice was done to *Rookesby* any more than to his creditors, who were thereby possessed of that security upon which alone they had given him credit, that is to say, his body.

After this another affair happened, which furnished matter for loud complaints against the President's tyranny and oppression.

One *Manfell Nathaniel Wilks*, a clerk to Mr. *Edward Frye*, the President's brother,

(under

(under whom he had been bred out of charity) had hired a vessel to go down to *St. Kitts* upon his master's business, and the President having occasion to dispatch a letter to *St. Kitts*, sent it on board the vessel by the fort major, who delivered it into the hands of a passenger to be forwarded; the passenger gave it to the master, who refused to carry it, and returned it to the President, telling him, that his refusal was in consequence of *Wilks*'s directions, who at that instant coming up, confirmed what the master said, and added, that no letters should be carried in that vessel but from such people as he and his master approved of: This flat refusal to permit what the President, as commander in chief of the island, had a right to compel, drew some angry words from him, which instead of producing submission, only gave rise to sawcy answers: However, at length the President, inclosing his letter in a case directed to the gunner of *Basse Terre Fort*, and writing on the cover, "Upon his Majesty's service," the master of the shallop durst no longer refuse to take it; but whilst he went up into the guard-room to give a receipt for it, *Wilks* went off towards the beach, whereupon the President, being apprehensive that he intended to go aboard and set sail without the master, and so evade carrying the letter, as soon as he had got the receipt, hastened down to the tavern upon the beach, as he supposed *Wilks* would go in there before he went aboard; here he accordingly found him, and upon his entring into the room told him, "He saw he was not gone yet;" to which
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the other making no answer, nor shewing the least token of respect, but, on the contrary, endeavouring to affront him by the insolence of his gestures ; the President asked him if he knew who he was, and told him it was his duty to treat him (the President) with respect : to which *Wilks* pertly, answered, " he knew " who he (the President) was very well, he " was Mr. *Frye*." The President hereupon ordered him to quit the room, which the other peremptorily refused, and called upon the company to bear witness how he was treated, saying, the tavern was as free for him as for the President ; this he often repeated in the most vociferous manner, adding to it such an insolence of behaviour as ought never to be suffered by a magistrate.

The President therefore thought it incumbent upon him to maintain the dignity of the office he bore, and consequently declared he would commit *Wilks* for his contempt ; he accordingly sat down to a table to write a warrant for that purpose, when *Wilks*, with an effrontery of which there are but few examples, impudently seated himself at the same table, and drawing out a pencil began to write also, swearing, " By G-d he could write as well " as the President." Thus provoked, the President once more commanded him to avoid the room, and, on his refusal, and appeal to the company to observe how he was treated and threatened, turned him out with his own hands.

The President then issued out his warrant to apprehend *Wilks*, and bring him before him-

self or any other of his Majesty's justices in the island, to answer for the insult committed upon himself, and directed the constable, to whom it was given in charge, to carry him before any justice of his own nomination; accordingly he was immediately taken and carried (at his own request) before Mr. *Benjamin Walker*, who refused to hear the complaint, under a pretext that the warrant being to bring *Wilks* before the President, he, as an inferior, would not meddle with it, as it might be look'd upon as an encroachment upon the President's authority.

The President therefore drew up another warrant, whereby the constable was required to bring *Wilks* before *Walker*, and sent it to *Walker* to sign, which he did; and the warrant being obeyed, the President appeared before the justice; and it being suggested that *Wilks* was going to sail for St. *Kitts* upon his master's affairs, and that to detain him in such a juncture might be of great prejudice to his master's business, the President (upon the undertaking of one of the persons present for his appearance to answer the complaint upon his return) consented to his being discharged.

But he not offering himself before a magistrate upon his return to answer the charge against him, and instead thereof appearing upon all occasions before the President, attended by a retinue of factious people, with an appearance of triumph; that gentleman ordered the constable to apprehend and bring him before Mr. *Michael Dyer* (in the absence of

of Mr. *Walker*, who took care to be out of the way) which was done; but that ingenious justice could not find out that there was any crime or misbehaviour in offering the grossest insults to the first magistrate in the country: The President therefore being determined to support that authority, without which no government can be maintained, ordered the offender to be brought before himself, and immediately caused him to be set in the stocks for half an hour, which was the whole of the punishment inflicted on him.

But such was the temper of the people in *Montferrat* at this time, inflamed as they were by bigotry, and prejudiced against the President for not suffering them to run to all the lengths of zeal and madness, that *Wilks*, having brought an action against him for thus vindicating his own authority, a jury of the inhabitants was found, who gave him an hundred pounds for damages.

Some time after this affair, the President, being at his brother's house, *Wilks* came into the company, and though his own master, Mr. *Edward Frye* (who could not but know that his brother, the President, must think it improper to suffer him in his presence, after what had passed) ordered him to withdraw, he was as far from obeying the master, as he had before been from respecting the magistrate; whereupon the President saying he seemed not disposed to obey any body, and insisting upon his withdrawing, he replied, that the President was not then upon his own plantation, and therefore had no business to command there:

The President then telling him, that he had a right to command all over the island, and that if he (*Wilks*) did not withdraw, he would make him do it, for that, as an inferior, he would not suffer him to remain in his company ; the other told him, that " By G--d he " was not his inferior, nor would he be treated " as an inferior ; " and advancing up to the President with his fist clenched, added, " and " if you dare to strike me, I will make you " smart for it." After such a provocation, who will wonder to hear that the President caned him ? He did it, and very severely *.

When the action brought by *Wilks* against the President for setting him in the stocks, was tried, *Michael White* was employed as council for the plaintiff, and took that opportunity to abuse the President with the highest scurrility, calling him, amongst other appellatives, *Turkish Basha*, and even exciting the people to sedition and disobedience of his authority : All this the President, whilst in court, patiently bore ; but seeing *White* afterwards, he called him an insolent old scoundrel, and told him he would beat him, but for his cowardice, and that he would sh--t upon him, were it not that *White* might seek his revenge for it by law : This nasty threat gave *White* too great offence ever to be forgiven, especially as

* This *Wilks* afterwards brought another action against the President for calling him thief, but the President unluckily proving his having robbed his master of a quantity of rum to pay for a laced waistcoat ; this hopeful attempt miscarried. Note also, that this theft was committed before the commencement of the first affair between him and the President.

it furnished those who did not love him with a most provoking nick-name to call him by ; and therefore he was afterwards the great spring and principal mover of the impeachment, in which the reader may be assured this shitten menace was not forgotten.

And for these offences another complaint was also exhibited against the President to governor *Thomas*.

A *French* vessel coming to *Montferrat*, and lying off and on upon the coast for two days, and then coming to an anchor in the road, where she lay several hours, and afterwards dragged her anchor and went off to sea, without the captain's waiting on the commander in chief as he ought to have done, purfuant to treaties, the acts of trade, and his Majesty's instructions, the President went into the town to enquire the reason of it, and declaring it was an insult upon the fort, said he would hire a sloop to go after her and bring her back again ; whereupon one doctor *Patrick Farell* impertinently condemned this declaration, although he had just seen another person modestly submit, upon being check'd by the President for offering his advice unask'd ; *Farell* being rebuked for this behaviour, jumped up and struck the President in the face, who thereupon laid his hand on his sword, but after a moment's recollection quitted it again, and lifting up his stick was going to have beaten him, but *Farell* recoiling back in the most manifest terror, the President desisted from that intention also, and committed him into custody ; however, he was afterwards admitted to bail by Mr. *Earle Daniel*,

Daniel, one of the justices of the island, who (by the bye) was always forward in encouraging insults upon the President, who being soon afterwards superseded, *Farell* was never prosecuted for this monstrous insult.

Michal White, junior, having handed about a scandalous libel against the President and the gunner of the fort, who were pointed at under the names of *Don Quixote* and *Sancho Panca*; and having (at the same time) written those names (but ill spelt) upon a publick tavern table, the President being informed by whom it was done, wrote upon the table, under it, a recommendation to *White* to learn to spell of his aunt, or couzin, it being dubious which of the two she was (for it is to be noted that her mother had lain with *White*'s grandfather and uncle, and could not tell to which of them to lay the child) and in the same writing he was advised to learn *Spanish* of another aunt of his, who was housekeeper to a *Jew*. *White* some days afterwards took the President aside, under pretence of asking him if he wrote that recommendation, and unawares struck him over the head with his stick in the most cowardly manner, and repeated his blows; but the President, who had been in some measure stunned by the first blow, soon recovered himself; and in return knocked the assailant down, and then committed him to gaol; but the President's suspension a short time afterwards prevented his meeting with any further punishment.

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The President one time speaking of an ancient maiden lady, said, that she once drank a glass of urine, and eat some parrot's dung, to acquire a parrot and a monkey, the possessor of which would not let her have them upon any other terms; and though this ridiculous story was notoriously true, and not less publick, the repeating it after it had been in the mouths of hundreds, was charged upon him as a most horrid piece of scandal and defamation.

In the year 1750, flour was so extremely dear in *Montserrat*, that the inhabitants were in the utmost distress for want of it: In this exigency the President raised 800*l.* currency upon his own credit, and expended that sum in the purchase of a cargoe of flour, which he procured at one third part less than the then current price, and distributed the same amongst the inhabitants in small quantities at prime cost; but this action also was treated as a grievance, and represented as a most cruel injury to the merchants by beating down their market; so ready were the inhabitants to complain of the President upon every occasion, and even without occasion.

At length, towards the end of the year 1753, these ill humours broke out with the utmost violence; for a motion was made in the assembly of the island then sitting, and which consists of no more than twelve members, for impeaching the President to the governor-general of the *Leeward Islands* and the council of *Montserrat*, of high crimes and misdemeanors, and a vote passed accordingly; which the President hearing of, sent for them into the coun-

cil-

cil-chamber and there made a speech, in which he told the council and assembly he had always acted for the honour and advantage of the island; and that though he could by his authority prevent the meeting of the assembly, and thereby put it out of their power to proceed against him, he was determined to give full scope to their resentments, by permitting them to sit as often as they pleased, and added, that he had been happy enough wherever he resided to have knaves and fools for his enemies, and hoped to continue in that happy state.--- This speech furnished them with a pretence for another of the articles of impeachment afterwards exhibited against him.

About the same time, or a day or two before, the President had ordered the following paper to be publickly stuck up, which the members of the assembly voted to be a scandalous libel, &c. and ordered it to be burnt by the hands of the common hangman, which was done accordingly.

“ Whereas a report has transpired, that *Michael White*, who was formerly engineer-general of this island, and expell'd the assembly, for writing a scandalous letter to a near relation of his, is appointed a manager, in the present assembly, together with *George Bramley*, who built the northward church, and *Earle Daniel*, who has a demand against the estate of *William Lee*, to prosecute the President for high crimes and misdemeanors.

“ These are to inform all *William Dyett's*, *William Sloan's*, alias *Semple's*, *John Hayne's*, *Manfell*

" Mansell Wilks's, and Dr. Patrick Farrell's
 " advocates, that they are welcome to do their
 " worst, by the assistance of malignant and
 " short-memory men. Nay, the President's in-
 " solence may be complained of, for repre-
 " manding the marshal, who gave him no at-
 " tendance on the King's birth-day; or what
 " other crimes may be alledged against Capt.
 " Frye, such as making alarms; putting troo-
 " pers on the fort for their absence at musters;
 " tying foot-men for neglect of their duty;
 " giving charges to grand juries at courts of
 " sessions, to present undutifulness in children
 " towards their parents; and other practices
 " which no man ever had the impudence to
 " exclaim at before. They may censure him
 " for going to public devotion, discommending
 " bad husbands, adulterers, filthy fornicators,
 " and Scotch Jacobites: They may make what
 " they can of his detaining the *French* ship,
 " and threatening to ~~sh~~-t on a pretended law-
 " yer, for openly abusing ~~him~~ in the court-
 " house. Notwithstanding his misconduct,
 " unarm'd, he can sing, *Integer Vitæ, &c.*
 " and, arm'd, *Horon, Dondoran*, 'tis little he
 " values them."

The assembly afterwards proceeded upon
 the impeachment, of which, and of the answers
 to it, with the assembly's reply thereto, copies
 are here inserted.

MONTSEERRAT.

PROCEEDINGS before his Excellency George Thomas, Esq; Captain-General and Commander in Chief in and over all his Majesty's Leeward Caribbee Islands in America, and the honourable members of his Majesty's council within the island of Montserrat, one of the said Leeward Caribbee Islands, against the Honourable George Frye, Esq; late President of his Majesty's aforesaid council, held on the day of

in the twenty-seventh year of the reign of his Majesty George the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c.

ARTICLES of Impeachment of high crimes, and other misdemeanors, against the Honourable George Frye, President of his Majesty's Council, by the Commons in Assembly met, in their own name, and in the name of all the Commons of the island of Montserrat, &c.

" I. THAT the said George Frye is a common calumniator, and a common disturber of the peace; that he endeavours to foment divisions and quarrels, by speaking, and writing evil of many persons, in the most public manner; that in order to asperse and inflame the living, he blackens the memory of their dead ancestors, and gives out scandalous reports of them; that he, even in the court of grand sessions, where he pre-
" sided

" fided, by virtue of his being eldest member
 " of the council, appointed by his Majesty, has
 " openly defamed *several* by *insinuations* and
 " *positive assertions*, of their being guilty of
 " crimes, the cognizance of which did not lie
 " before the court; and the persons taxed and
 " aspersed had no opportunity of making any
 " defence to any such irregular charges: That
 " when he has by these, and other such unwar-
 " rantable means, *provoked* some persons to
 " assault and strike him, he has *ordered* them
 " to be *committed* for a breach of the peace,
 " and would take no bail; that he would not,
 " when a breach of the peace was committed
 " upon him, tho' he was not then in the exe-
 " cution of his office, apply to any other justice
 " of the peace to commit, or bind over, the
 " offender, to secure the peace; but when such
 " offender applied to some other justice of the
 " peace to be released from his imprisonment,
 " which was ordered by the said *George Frye*,
 " by finding sureties of the peace, he, the said
 " *Frye*, *endeavoured* to *influence* such justice of
 " the peace to oblige the offender to be bound
 " in a *very large sum*, and intimated to such
 " justice as if he was to act under his, the said
 " *Frye*, direction, and was subject to his con-
 " trol.

" II. That the said *George Frye*, in conse-
 " quence of his provoking several persons, by
 " his abusing and scandalizing them, often goes
 " *arm'd*, in an unusual manner, with a *sword*,
 " and a *pistol in his hands*, and another person
 " attending him, *with another pistol concealed*.

" III. The said *George Frye*, under colour
 " of his offices of President of his Majesty's
 " council, and justice of peace, *assaulted*, and
 " evilly treated, and afterwards inflicted an *un-*
 " *beard-of punishment*, upon one *Mansell Na-*
 " *thaniel Wilks*, an infant, in a most ignomi-
 " nious and barbarous manner, with the utmost
 " rancour and malice, and for no real, but
 " supposed offence, of an indignity or affront ;
 " and this punishment was ordered by the said
 " *George Frye*, without even the formality of
 " a *trial*, to be inflicted on the said *Mansell*
 " *Nathaniel Wilks*, by tying his *right leg* to the
 " *whipping-post* half an hour ; that the said
 " *George Frye* caused the said *Mansell Natha-*
 " *nuel Wilks* to be carried before *Michael Dyer*,
 " Esq; a justice of the peace, to be tried for
 " the same supposed offence ; who, upon ex-
 " amining the matter, could not find the said
 " *Mansell Nathaniel Wilks* guilty of any of-
 " fence, when Justice *Dyer* acquitted the said
 " *Wilks* ; the said *George Frye* had a *warrant*
 " and an *order*, *ready drawn*, in his pocket,
 " to *inflict the said punishment* ; and immedi-
 " ately gave both the said *warrant* and *order*
 " to the *constable*, and directed him to inflict
 " the said punishment on the said *Mansell Na-*
 " *thaniel Wilks* ; that when the said *Mansell*
 " *Nathaniel Wilks* delivered an execution to the
 " *Deputy Provost Marshal* against the said
 " *George Frye*, to levy the damages and costs
 " he had *recovered of him* for the *aforesaid*
 " *imprisonment* and *wrong*, the said *George*
 " *Frye* *inhumanly beat him*, the said *Mansell*
 " *Nathaniel Wilks*, for the same.

" IV. That

" IV. That the said *George Frye*, as President of his Majesty's council, and a justice of the peace, has abused the authority he was entrusted with, by virtue of those offices, in making use of the King's processes for *sinister* and vile purposes, and to cover and encourage other violent and arbitrary proceedings, in order to deprive his Majesty's subjects of their liberty, and injure them in their property; and, as an instance hereof, that he, the said *George Frye*, issued a warrant, on a Sunday, to arrest one *Rookesby* to answer some complaint; by virtue of which warrant the said *Rookesby* was arrested, and brought before the said *George Frye*, and was kept under arrest till late the same day, when the said *George Frye* ordered him to be released; and had then and there several persons ready, who immediately seized the said *Rookesby*, and carried him, by force and arms, on board some vessel to *St. Christopher's*.

" V. That the said *George Frye* is a person of a lewd life and conversation, and even in the seat of justice, as President of the court of grand sessions, behaved in a most indecent and immodest manner, by obscene and lewd expressions, tending to corrupt the morals of the people, and to bring his Majesty's government into contempt, with a further malicious intent to defame one of the grand jury.

" VI. That the said *George Frye*, in order to advance his arbitrary power, and to vent his

“ his spleen against particular persons, has taken the opportunity to *back-bite* some, and “ to *slander and reproach others present*, when “ giving a charge to the grand jury, as *President* of the court of grand sessions; and “ after having given such matters in charge, he “ directed the grand jury to take *no notice* of “ them; and, when one of his associates, a “ justice, who was present, and so reproached, “ offered to justify himself, he ordered him, “ imperiously, *not to speak another word*.

“ VII. That the said *George Frye* has treated “ *all his fellow justices sitting in judgment* with “ him, with *indecency and contempt*, for differ- “ ing in opinion with him; particularly, by “ telling them, in open court, he was sorry to “ see so little *sense* upon the bench.

“ VIII. That the said *George Frye*, in order “ to establish an *arbitrary power and tyranny*, “ threatened to put some counsellors at law in “ the *stocks*, for being concerned against him in “ *suits of law*; and to use others in so base and “ filthy a manner as is indecent to be express'd.

“ IX. That the said *George Frye*, to pro- “ mote his *arbitrary power and tyranny*, and to “ terrify and be *revenged* of particular persons, “ who had the courage to dispute his unlawful “ commands; made frequent *alarms without* “ *any cause*, thereby bringing himself, and the “ *dignity of his office*, into *contempt and ridicu-* “ *le*.

“ X. That

“ X. That the said *George Frye*, in a *riotous*
 “ and *tyrannical* manner, caused one *William*
 “ *Dyett* to be brought before him, and *whipt*
 “ by his *Negroes* and a white servant.

“ XI. And whereas the representatives of
 “ this island, in assembly met, taking into con-
 “ sideration the *general evil fame* and *bad ad-*
 “ *ministration* of *George Frye*, in *his offices of*
 “ *President* of the council and *justice of the*
 “ *peace*, appointed a committee to draw up
 “ articles to charge him with high *crimes* and
 “ *misdemeanors*; that the said *George Frye*, in
 “ *order to intimidate the representatives*, pub-
 “ *lished* a scurrilous writing, insolently *defying*
 “ them to do their worst, *aspersing all the*
 “ *members of the said committee particularly*,
 “ *by name*, with scandalous assertions and in-
 “ *sinuations*; and shewing the highest *contempt*
 “ and *indignity* to the *whole body* of the people
 “ *represented* in the assembly. And, in order
 “ to give the assembly the most convincing
 “ *proof of the highest contempt and bad opinion*
 “ *he had of them*, he *told them, in a body met*
 “ *together, before his Majesty's council*, upon
 “ *a conference, by his directions, that they*
 “ *were fools and knaves, and published a writing*
 “ *much to the same purpose*.

“ All which *crimes* and *misdemeanors* the
 “ assembly are *ready to prove*, whereby he hath
 “ *abused the trust* reposed in him by his Ma-
 “ *jesty*, and hath most grievously *offended against*
 “ *the peace of his Majesty, his crown and dig-*
 “ *nity*,

" nity, the *rights* and *liberties* of the subject,
 " the *laws* and *statutes*, and the *prosperity* and
 " *good government* of this island: And the said
 " assembly, saving to themselves the liberty of
 " exhibiting at any time hereafter, any other
 " article or impeachment against the said *George*
 " *Frye*; and also of replying to his answers,
 " or any of them, and of offering proofs of all
 " the premisses, or any of them; and of any
 " other article or impeachment that shall be
 " exhibited by them, as the case shall require,
 " do pray, that he, the said *George Frye*, be
 " put to answer to all and every the premisses;
 " and that such proceeding, examination, trial,
 " judgment, and exemplary punishment, may
 " be thereupon had and executed, as is agree-
 " able to law and justice."

True Copy.

*The ANSWER of the Honourable George Frye,
 Esq; President of his Majesty's council in the
 island of Montserrat, to the articles of im-
 peachment of high crimes and misdemeanors
 against him, by the Commons in assembly met,
 in their own name, and in the name of all the
 Commons of the said island.*

Response to Article I.

" **T**HE said *George Frye*, for answer to the
 " first article of impeachment aforesaid
 " against him, denies the charge of calumny,
 " of disturbing the peace, or of endeavouring
 " to form divisions and quarrels, by words or
 " writing of any sort, in manner public or pri-
 " vate, either of persons living or dead. De-
 " nies

" nies that he has, in open court of grand sessions, where he had the honour to preside, in any sort, positively or insinuatively, defamed any person or persons whatsoever with any crime, cognizable or not cognizable, by the said court: But true it is, that the said *George Frye* hath been actually assaulted several times in his person, inseparable from his office, in the absence of his superiors, during his command as President of his Majesty's council within the aforesaid island of *Montferrat*: And true it is also, that he hath committed such offenders for having assaulted him as aforesaid, and very justly, and what any justice of the peace, in the like case, might have done, without being under the necessity of receiving bail, as the island, at such times of offence given, was well provided with magistrates in the commission of the peace, who, upon tender of surety for keeping the peace, and for being of good behaviour, might, on application therefore made, have taken the recognizance of any such offenders.

" If the commander of a province be assaulted, it is not usual for him to take bail, being a judicial act; it is a duty delegated to inferior officers, who by law have such offence under their notice; and better to such officers aforesaid standing indifferent, between party and party, than to be taken by the person offended: The authority of which aforesaid magistrates the said *George Frye* hath not attempted to hinder or obstruct, much less hath he ever used any methods for *influencing*

" encing the commissioners of his Majesty's
" peace from doing their duty on any such oc-
" casion.

" It greatly surprizes the said *George Frye*,
" and must be matter of astonishment to all
" persons of judgment and reason, that the
" court of grand sessions aforesaid should be
" charged with silence, and not taking notice
" of offences, of defamations, offered by him
" in the said court; no animadversions there-
" upon having been made by the said court in
" their records or minutes, or in any other
" manner; nor is it less wonderful to find (as
" by this article against the said *George Frye*
" charged) that any pretence, or feigned cause
" of provocation, could bear a comment in
" favour of such offenders having assaulted him
" as aforesaid, slander being no justification for
" an assault.

Response to Article II.

" That in consequence of such insults and
" assaults acknowledged by the first article of
" impeachment aforesaid, to have been offer'd
" to the said *George Frye*, by persons using
" violence with him, he did often go armed,
" as was expedient and necessary for his de-
" fence, finding the malice and outrage of his
" adversaries such as gave him reason to think
" and judge, that unless he had in such man-
" ner armed himself, their outrages might have
" terminated in the worst execution of their
" ill-disposed intentions.

Response

Response to Article III.

“ That in the matter charged by this article,
 “ stand the same as it may, the offence made
 “ out by verdict, with judgment and execution
 “ thereupon granted against the said *George*
 “ *Frye*, in favour of Mr. *Wilks*, has been car-
 “ ried on to the full measure of the law, be-
 “ yond which nothing further can be done;
 “ and therefore all cause of complaint in that
 “ behalf is fully answered and atoned for. Sir
 “ *Chaloner Ogle*, in his proceedings against the
 “ respondent, paid one thousand pounds da-
 “ mages; and what further satisfaction did the
 “ said respondent receive from the said Sir
 “ *Chaloner*? Did the Commons in *Great Bri-*
 “ *tain* ever make a cause of impeachment
 “ against Sir *Chaloner* for any such matter? or
 “ was he ever divested or turned out of any
 “ of his posts or employments on that occa-
 “ sion?

“ The common courts of justice, appointed
 “ for redress of injuries, when they give re-
 “ dress, take away, and put an end to all cause
 “ of further consideration thereupon. His Ma-
 “ jesty's court of King's-Bench and Common-
 “ Pleas in this island has given ample redress
 “ for Mr. *Wilks*'s action against the respondent;
 “ and it seems as if evidence was wanting to
 “ make out articles of impeachment against the
 “ respondent, by repeating and bringing into
 “ contest a matter that had been already de-
 “ termined. No body ought to be twice que-
 “ tioned for the same thing, or to be twice
 “ punished for one fault.

And

“ And as to the last part of the charge, in
 “ the third article contained, for a second af-
 “ fault made by the respondent on Mr. *Wilks*,
 “ let the matter in evidence thereupon be heard,
 “ as well on the part of the respondent as on
 “ the part of the accusers; and thereupon this
 “ respondent doth refer himself, for excuse,
 “ and clearing himself of the inhumanity and
 “ hard treatment wherewith he is, on that
 “ occasion, charged by the said article.

Response to Article IV.

“ To this fourth article, particularly to the
 “ imprisonment of *Rookesby*, the said *George*
 “ *Frye* answers, that the said *Rookesby* was a
 “ mariner, who had had the charge and com-
 “ mand of a vessel at *St. Christopher's*, which
 “ he sold there, and who had likewise ran away
 “ from his creditors there, having withdrawn
 “ himself to this island with design to have trans-
 “ ported himself from hence out of the govern-
 “ ment, and out of the reach of its laws, and
 “ so to have eluded and defrauded his credi-
 “ tors; whereof one, namely, *Capt. Thomas*
 “ *Woodward*, a mariner and merchant in credit
 “ at *St. Christopher's* aforesaid, having gained
 “ intelligence, sent advice thereof to his bro-
 “ ther, *Capt. Samuel Woodward*, in *Montserrat*,
 “ requiring that the said *Rookesby* should be ar-
 “ rested and stopt at *Montserrat*; and the said
 “ *Samuel Woodward*, upon application to this
 “ respondent for such aforesaid purpose made,
 “ prevailed on him to stay the said *George*
 “ *Rookesby's* departure from *Montserrat* on the
 “ Sunday, intended for his departure, which
 “ was

" was accordingly done, and the said *Rookesby*
 " *shipt to St. Christopher's the next day.*

" Sheriffs having the care of his Majesty's
 " counties, and arresting debtors on *Sundays*,
 " and keeping them in durance and custody
 " till next day, so as to answer justice, yet,
 " have they been *slightly* animadverted upon by
 " the judges thereof, because done in favour
 " and promotion of justice. True it is, regu-
 " larly, that debtors should not be arrested on
 " *Sundays*, being no law-day; however, the
 " thing so done is valid, and the debtor de-
 " tained till next day, shall be obliged to find
 " bail: Nor is there any reason that any offend-
 " ers against the law, under the shadow and
 " cover of the law, should elude and escape
 " from answering the law; because, in all cases
 " where the reason of the law fails, there also
 " the law itself ceases and fails; and where the
 " ordinary means of justice are deficient, re-
 " course is had to means extraordinary.

Response to Article V.

" Denies that the respondent is a person of
 " lewd life and conversation, and defies his
 " accusers to give any one instance, or proof,
 " since his having been honoured with the
 " command of this island, of his lewd life and
 " conversation; and so returns the charge of
 " lewd and dissolute behaviour on his adver-
 " saries and accusers, whom it would much
 " better become to look at home and mend
 " their own lives, rather than wrongfully to
 " charge this respondent with offences where-
 " unto he pleads not guilty.

Response

Response to Article VI.

“ To this article the said *George Frye* answers, that the same is so general, without descending to, or mentioning any particular persons therein charged to have been back-bitten, slandered or reproached by him, that he cannot answer thereunto, further, than by denying this article in general, and by calling upon his accusers for some particular proofs of that which hath been in general manner aforesaid alledged against him.

Response to Article VII.

“ To this article the said *George Frye* answers in like manner as he has answered to the sixth article aforesaid.

Response to Article VIII.

“ To this article, being also a general charge, without setting forth any particular acts of threatening, against any counsellors at law for being concerned in suits against him, this respondent answereth in the negative, generally, as unto the sixth and seventh articles aforesaid, excepting only that for ill manners used by *Michael White*, Esq; in the cause between *Manfell Wilks* and this respondent, and for which the said *Michael* was check'd and reproved, by the court, as a railing pleader, and who had, in his utterance at the bar, dignified the said respondent with the appellation of *Tyrant* and *Turkish Basha*; the respondent ingenuously acknowledgeth that, in return to the said *Michael*, for his compliments,

“ pliments, after coming out of court, he,
“ this respondent, told the said *Michael* ‘that’
“ he would sh---te upon him.

Response to Article IX.

“ To this article the said *George Frye* an-
“ swereth and *acknowledgeth*, that, having
“ lately expected the arrival of his excellency
“ *George Thomas*, Esq; he had caused alarms,
“ at several times, to have been fired, having
“ observed that the inhabitants of *Montserrat*
“ were very inexpert in the management and
“ exercise of their arms; and that it would
“ require much diligence and pains to form and
“ bring them into an orderly method and way
“ of exercise; and that, in order to bring this
“ about, as well to their own credit, as for re-
“ ceiving his said Excellency in the most becom-
“ ing military manner, he so did, with design
“ to improve the inhabitants in the orderly me-
“ thod and way of exercise aforesaid, without
“ acting contrary to the laws and statutes of
“ this island in such case made and provided;
“ with which laws the said accusers do not
“ fein to be acquainted, any better than with
“ the decency and respect with which chief
“ governors ought to be received.

Response to Article X.

“ To this article the said *George Frye* an-
“ swereth, that the said *William Dyett* pre-
“ sented himself *naked* (his obscene parts un-
“ covered) before the said *George Frye* and his
“ wife; offended at such behaviour, the said
“ *George Frye* ordered his overseer to give the
“ said

“ said *William Dyett* two or three lashes with
 “ a whip, as a just reprimand for his appear-
 “ ance, and persisting to appear, after having
 “ been commanded to withdraw himself from
 “ the fight of the said *George Frye* and wife
 “ aforesaid.

Response to Article XI.

“ To this article the said *George Frye* an-
 “ swereth, by appealing to the paper thereby
 “ complained of, and by requiring his accusers
 “ to produce the same, submitting himself to
 “ all the advantages whatever therefrom to be
 “ made out against him, and to the judgment
 “ of all mankind, whether innocent, and be-
 “ ing satisfied with one’s own behaviour, any
 “ man, foreseeing the ill designs brewing a-
 “ gainst him, and called in question by those
 “ in place under him, can be called insolent
 “ for defying his adversaries, whom the re-
 “ spondent still intrepidly defies, and now calls
 “ upon, as he heretofore hath called upon
 “ them, to give their rage and spleen all the
 “ indulgence and play, which, in their own
 “ way, they have for themselves judged expe-
 “ dient and convenient to do.

*The Assembly's REPLICATION to the answer of
the Honourable George Frye, Esq;*

“ **T**HE assembly have taken into consideration the answer of the Honourable *George Frye, Esq;* to the several articles of impeachment of high crimes and misdemeanors, exhibited by them against the said *George Frye*, and do observe that he has made no answer to many of the said articles; and has passed many others over with little evasions and silly excuses. But the assembly highly resent one part of his answer, whereby he recriminates the assembly for their lewd lives and conversations, and gives out many other vile aspersions and defamations of them, whereby he is guilty of *a most impudent and scandalous libel*; for which the assembly might demand your Excellency's immediate judgment against him: But, to avoid any delays, knowing your Excellency proposes but a short stay upon this island, and knowing how dangerous it is to the public that he should continue in the present places he enjoys, the assembly do aver their charge against him to be true, and that the said *George Frye* is guilty in such manner as he stands accused and impeached; and that the assembly will be ready to prove their charge against him at ten o'clock to-morrow morning.”

True Copy.

G

Several

Several reflections naturally occur to the mind upon perusing these extraordinary pieces, and amongst them none is more obvious than this, that it was a very high presumption in twelve planters, at *Montserrat*, under the pretext of their being the representatives of the Commons there, to arrogate to themselves a privilege equal with the greatest, enjoyed by the Commons of *Great Britain*; a privilege no charter ever gave, and which was never exercised or dreamt of by the assembly of any other colony in all the *British* dominions: Other colonies have disagreed with officers of his Majesty's appointment, but *Montserrat* has the honour to take the lead in venturing to impeach. The method heretofore taken upon such occasions, has been to complain to his Majesty in council, where the end sought has been the punishment of the offender; where, indeed the aim has only been to get the obnoxious person suspended, a complaint to the governor, or commander in chief (supported by sufficient reasons) has had its effect; but then the governor can only suspend, he cannot inflict punishment. How absurd, therefore, must the pretended right of impeaching appear, when it is most evident that the person accused, and against whom exemplary punishment is prayed, cannot, when convicted, be punished at all, except that suspension may be called a punishment, which the governor has in his power at all times to inflict without any impeachment, and indeed without any complaint made?

The

The weight and consequence of *Jamaica* is too well known, to make any demonstration of its infinite superiority over *Montferrat* necessary; the settlers there are wealthy, numerous, and in general well educated; their assembly consists of more than 40 members, who are, by their fortunes, set above dependence, yet when these in concurrence with the government and council passed an act about 12 years ago, to divorce one Mr. *Manning* from his wife, for cause of adultery, plainly proved; the royal assent was refused to it, as being a stretch of power too dangerous to be trusted to the distant representatives of a distant colony.

How much more reason would there have been to put an immediate stop to their proceedings, had they ventured to impeach any person to their council for high crimes and misdemeanors, in which, if they were suffered to go on, they might soon make a very fine progress; there would presently be no occasion for complaints to *England*: For as the power of impeaching, if admitted against private persons, might easily be extended against the King's governors; here would be an excellent and most compendious method chalked out for ridding themselves of those who were unruly,

But supposing it could be granted, that these colonists had a right to impeach, it must then follow, that such a right is to be exercised in like manner as it is in *England*, from whence alone

alone they can pretend to draw their presidents and their authority ; but did they ever hear that the *English* House of Commons prefer impeachments to the King, or to the King and Peers ? They must know (if they know any thing) that impeachments from the Commons of *Great Britain* are preferred to the Peers, and they alone give judgment : If therefore these assembly-men were determined to exert so high a privilege, they should have impeached the President to the council (who were to exhibit the part of the Peers of *Montserrat*) alone, and not to the governor and council ; for it is most certain that the governor has no voice in the debates of the council, any more than the King of *England* has in the House of Lords ; for being only his Majesty's representative, his authority (so far as it is delegated to him) may resemble the King's, but can in no case possibly exceed it.

Of all these objections the President was well aware, and consequently thought it his duty to object to this novel method of proceeding ; he did accordingly state his objection to governor *Thomas* in council, and insisted that neither had the assembly any right to impeach, nor had the governor and council any right to try him. But he, on the contrary, insisting upon such a right, and quoting Lord *Macclesfield*'s case to prove it ; the President at length determined to plead to the impeachment, although he then thought it was giving way in a most dangerous point ; but he was induced to it by the consciousness of his own innocence on the one hand,

hand, and the apparent consequences of his refusing (which yet, perhaps, he ought to have done) on the other ; for he foresaw, that had he refused to plead, and demurred to the authority of the governor and council, they would not have scrupled to commit him to prison, till he complied, or perhaps have taken the impeachment *pro confesso*, and so have condemned and executed him, without the ceremony of waiting till he should have time to appeal to *England* for a reversal of their sentence ; and if neither of these had been the case, his enemies would have had at least an handle for injuring his reputation, by giving out that he was guilty of the charge, and only escaped by finesse, and screening himself under mistakes committed in the proceedings against him.

To proceed to these same articles themselves.

Articles of impeachment of high crimes and other misdemeanors, against the Honourable George Frye, President of his Majesty's council, by the Commons in assembly, met in their own name, and in the name of all the Commons of the island of Montserrat, carry a terrible sound with them, and would naturally induce people to suppose that such a pompous introduction must be followed by charges of the most enormous guilt, such as felling the island to the enemy, burning houses, plundering churches, robbing the community, destroying the constitution of the country, to make himself absolute, committing rapes and murders, or at least they must expect to find him charged with embezzling the public money, making a trade of his authority,

corrupting the legislature, influencing jurymen; and perverting the course of justice: But how would they be astonished to find their complaints dwindled into general charges, without time, place, or circumstance (and consequently illegal, as being upon that account incapable of an answer;) and to find that these charges were, for being a common calumniator and disturber of the peace by defaming people,---for committing people to gaol who struck him, and then desiring a justice to take sufficient bail for their appearance,---for carrying weapons in his own defence,---for setting a fawcy boy in the stocks for half an hour, and afterwards beating him;---for assisting in sending a fellow, by force, to *St. Kitts*, about 14 leagues off;---for talking indecently,---for back-biting,---for telling his brother justices he was sorry to see so little sense upon the bench,---for threatening counsellors,---for making alarms in the island, ---for causing one *Dyett* to be whipped,---for publishing a scurrilous writing,--- and for telling the assembly they were fools and knaves: Surely they could not have the most favourable opinion of the heads or hearts of these representatives of *all* the Commons of *Montserrat*.

But if the articles themselves should astonish the reader, how would that astonishment increase upon his being informed of the evidence offered in support of them, and of the true state of the facts as they appeared upon proof?

And first; Governor *Thomas* and the council of *Montserrat*, being set and proceeding to the tryal of the President: one *Rigby* proved the story of the Parrot and Monkey mentioned before,

before; and also that the President had once charged him with being guilty of self-pollution, and had quoted Mr. *Benjamin Walker*, one of the council, as the person who had told him of it; and this Mr. *Walker* was then examined, as to what he had told the President upon that occasion, when he swore, that to the best of his memory, he had never spoke those words to the President, which *Rigby* had just sworn the President quoted as spoken by him: But it is observable, that upon being examined, whether he had not said something to the President, of the same purport or effect; *Walker* excused himself, by alledging that he was not bound to answer that question; which excuse was admitted by Governor *Thomas*. *Mansell Wilks* proved that the President told him, his aunt had been f---d by a humpback'd Scotchman; but *Rigby* being appealed to as to this matter, could not deny that Mr. *Frye* had his information from him.

Walter Skerrat proved that the President had said that *Walker* was a lyar, a scoundel, and a short memory man.---And thus much was proved against him, upon the article of defamation.

Then one *Dewberry* was called, to prove that the President had in the Court of grand fessions, charged him with slandering the council, by asserting that they resolved to hang his (*Dewberry's*) negroe, before they tried him: but the President offering to call Mr. *Musgrove*, to prove the truth of the charge against *Dewberry*, Governor *Thomas* waved examining him, and the President thinking it a matter not worth

con-

consideration, did not press it any further.--Mr. *James Hufsey* also gave evidence, that Mr. *John Bramley*, one of the assembly, (who on account of his abandon'd lust has got the nick-name of *John Goat*) coming before the court of grand sessions as a grand jury man, very meanly clad with a white cap on, was there reprimanded for it by the President; and at last on his declaring that he would dress as he pleased, the President told him, since he was so fond of a white cap, he would advise him to wear one on his p---k, and not keep a seraglio of negroes.---And thus the charge of accusing persons in open court, was made out.

The sticking up the paper before inserted, (which was burnt by order of the assembly) was urged in proof of the President's writing scandal.

The charge of the President's committing persons to prison who struck him, and refusing to take bail, was proved in the cases of *Michael White*, jun. and *Patrick Farrel* related above; but the President justified himself by urging that he being himself the person, against whom the breach of the peace was committed, he apprehended he could not discharge them upon bail. As to the charge of endeavouring to influence a justice of peace, to take bail in a very large sum, nothing further was proved, than that the President desired the justice to take sufficient bail for *Farrel*, that he might not run away.

The President acknowledged, that having been struck, he went armed, and took another person with him who carried a pistol, but not concealed;

cealed; and in this he insisted there was nothing illegal.

The story of *Mansel Nathaniel Wilks* has been fully related already, and needs no further explanation, any more than that of sending *Rookesby* to *St. Kitts*.

The charge against the President, as a person of lewd life and conversation, was supported by the evidence of a fellow who swore he had once heard him propose an obscene toast, to be drank in a tavern; as also by the proof before given, as to the reproof he gave to *John Bramley* (alias *Goat*.)

Mr. Wyke was examined to prove the President's declaration that he was sorry to see so little *sense* upon the bench, but the evidence he gave was, that on a dispute amongst the justices, whether any persons besides freeholders, should be obliged to serve upon juries, (as had long been customary) or not: The majority voted against compelling any besides freeholders to serve; whereupon the President said he was sorry to see so little *conception* upon the bench, for that the number of substantial freeholders being but small, if they did not put men of substance, who were not freeholders, upon their juries, they would often be composed of ignorant and mean people, very unfit to act as jury-men.

The charge of threatening counsellors for being concerned against him, was supported by no other evidence but the threats beforementioned of sh---g upon *Michael White*.

To prove the charge about making frequent alarms, one *Morson*, a militia trooper, was ex-

mined, who gave evidence, that *once, and only once*, he with others being ordered (by the President) out upon a party to apprehend eleven deserters from the King's forces, who were roving about the island, the witness peremptorily refused to go; and the President thereupon foreseeing the consequences of such kind of disobedience, and being fully authorised by the statutes of the island, ordered the alarm to be fired, which of course subjected *Morson* to punishment, in case of refusal; but he thought fit to submit, and beg pardon, nor was there any evidence offered in support of this article, except as to this one affair, which happened three years before.

The story of the President's ordering *William Dyett* to be whipped, has been already related, and needs no other addition than this, that the fellow who whipped him being produced as an evidence on Mr. *Frye's* behalf, Governor *Thomas* would not suffer him to be examined, under the pretext, that by giving evidence in that affair, he might accuse himself, and thereby have a prosecution commenced against him by *Dyett*. However, the story as above related, was confirmed in all particulars by *Evans Walters*, one of the witnesses for the impeachment.

The charge of calling the assembly in a body fools and knaves has been already explained, but it is proper to add, that the President after making the speech, which gave occasion to this charge, and the substance whereof is before given, ordered it to be publickly stuck up in the island.

And

And thus closed the evidence upon this impeachment, nor were there any other proofs given, to prove Mr. *Frye* guilty of high crimes and misdemeanours.

However, this evidence was thought sufficient by Governor *Thomas*, to warrant his suspending the accused, and (which is more remarkable) the council being (as the President is well assured) equally divided, the governor himself gave the casting vote against him.

But for heaven's sake! what was the proof given against him, considered as a commander in chief? Or, how did any enormity in his conduct require, or even give the least countenance, to so extraordinary, so violent, a procedure?

The whole evidence may be reduced under the ten following heads of accusation.

1st. Three or four unguarded, and indecent, expressions.

2^d. The speaking very freely to, and of, several persons, which was interpreted into slander; though there was not the least attempt to shew, that he had accused any one falsely; but, on the contrary, almost all the stories he had related, and, which gave occasion for this charge against him, were notoriously true.

3^d. The threatening to sh---e upon a man; or, in other words, telling a man who had wickedly traduced him, that he deserved to be so served; for, in truth, the words imply no more.

4th. The sticking up a paper, in which no man living would have found a tittle of scandal, except the persons named; nor, would they

have considered it as such, unless the few words in it, descriptive of each of them, had waked the sleeping monitor within, and recalled some dark transactions to their memory.

5th. The committing two persons to prison, for striking him.

6th. The going armed in his own defence.

7th. The setting *Mansell Wilks* in the stocks, and beating him.

8th. The sending *Rookesby* to *St. Christophers*.

9th. The firing alarms, as his duty required; and,

10th. The ordering *Dyet* to be whipped.

Of which, the third, fourth, fifth, sixth, and ninth, wear not the least shadow of misconduct.

And, as to the other five, if we consider them in their order, we shall find the first of them is merely for speaking indelicately; of which, nothing more need to be said, to put it in its proper light, than to desire the reader will figure to himself the image of the House of Commons of *Great Britain*, coming to the bar of the House of Lords, with a flaming impeachment against the Earl of *Rochester*, for the high, and most enormous crime of talking bawdy; let him further imagine, a Lord High Steward, (especially created upon this important occasion) sitting with all the peers around, to try that noble Lord, the reverend prelates sitting by to see fair play; and all the Judges of the land, attending to clear up knotty points of law: lastly, let him conceive each Peer in order slowly rising, his right hand placed upon his

his breast, to utter, " guilty upon my honour," with consummate dignity.

The charge of defamation was as childish ; it by no means appears, that the President said a word more of any one person, than such person merited ; and if he had, there was an easy remedy, they might have brought actions against him : the law was open, as was most manifest, by the success of *Wilks* ; and it was vastly absurd to bring that as a charge against him, in his publick character, which he had said or done as a private man ; and for which he might every day have been compelled, as such, to make satisfaction, with the utmost ease.

The affair of *Wilks*, ought to have been buried in oblivion, for though it should be admitted, that the President had exceeded his authority ; yet *Wilks* had been fully indemnified by the verdict of a jury, for sitting in the stocks ; and, as to his being beaten, there can be no sort of doubt, but that, encouraged as he was by former successes, he would have brought an action for that too, had he not been conscious, that he drew it upon himself, by insults too outrageous, not to have justified the President, for treating him in that manner ; so that the damage done to *Wilks*, being fully repaired, neither he, nor the public, had the least title to complain, the very basis, and foundation of that complaint, being totally removed.

But, there is another reason, why the *Commons of Montserrat*, would have chose to let that transaction remain unmentioned, had their wisdom

wisdom been equal to their enmity, and it is this,

Captain *Frye* has been called tyrant, and *Turkish Basha*; had he really been so, *Wilks* never would have dared to bring an action against him; had he really governed with a rod of iron, a jury would hardly have found a verdict against him in the sum of 100l. for damages, which would have been well repaired by 50 shillings; had he really been as bad as he is represented, he would not so soon, nor easily, have submitted to the jury's verdict, and paid the money, as he has done; had the qualities of his heart, been the reverse of every thing, that should adorn a man, he would not have wanted means to procure a packed jury, or perhaps even corrupted judges; but, as the contrary of all this is true, it is apparent as the noon-day sun, that all the clamors raised against him, as well as this redoubtable impeachment, are absolutely void of all foundation, since he was equally liable with the meanest islander, to be punished by the ordinary means, for any injustice done by him, without having recourse to such unheard of methods.

As to the story of conveying *Rookesby* to *St. Kitts*, it having been already fully treated of, this only shall be added, that some years having passed between that time, and the suspension of the President, he had time enough to have brought an action against him, upon that account, if he had seen occasion; and had he done so, there is not the least reason, in the world, to apprehend his actions being heard and judged impartially, at least, there was no great fear

of

of the jury's leaning in the favour of President. And the same thing may be said of the whipping *William Dyett*.

Thus having given an impartial account of every transaction, any way relative to the impeachment in question, from the time of the President's arrival at *Montferrat*, to his suspension, nothing remains to be added, but that he has petitioned against the sentence, to the Lords of trade, and plantations, who have referred his petition to his Majesty's privy council; and that in order to support his petition, he demanded of Governor *Thomas*, copies of all the depositions, and examinations, taken against him, which the Governor promised he should have; but, after having waited four months, and applied many times for them, he was informed, by the secretary of *Montferrat*, that the Governor would not grant them to him, but had transmitted the originals to the board of trade in *England*, which has put Mr. *Frye* under the necessity of coming to *England*, (where he now resides) at a great expence, in order to obtain the copies of the Informations, and prosecute his petition.

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